

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 21, 2003**

Mayor David Dermer
Vice-Mayor Luis R. Garcia, Jr.
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

- PA1 Cert. of Apprec./L. Schrager (Southern Wine & Spirits), S. Beach Food/Wine Festival. (Dermer)
- PA2 Certs. of Completion/Participants of the City's Community Emergency Response Team.
- PA3 Check Presentation of \$30,000 to the American Cancer Society from City of Miami Beach.
- PA4 Proclamation in Honor of "National Public Works Week."
- PA5 Proclamation/DFYIT, Recognition for Students Who Choose a Drug Free Life. (Steinberg)
- PA6 Proclamation in Honor of "Miami Beach Chamber of Commerce Week." (Dermer)
- PA7 Proclamation Declaring May 2003 "Excellence in Education Month." (Dermer)
- PA8 Certs. of Apprec./K. Rosenberg & O. Maisner, "Songs Not Bombs" Benefit Event. (Steinberg)
- PA9 Certs. of Apprec./R. Pozo & F. Ruiz, Bringing the 1st Annual Miami Tropical Marathon. (Dermer)
- PA10 **New Item:** Certs. of Apprec./Miami Beach Sr. High's Boys Water Polo Team. (Cruz/Gross/Steinberg)

- C4A Ref: Finance & Citywide Projects Committee - Disc. Julia Tuttle Lighting Project. (Smith)
- C4B Ref: Finance & Citywide Projects Committee - Disc. Community Benefit Fund for TOPA.
- C4C Ref: Neighborhoods Committee - Disc. Biscayne Point Canal Cleanup. (Smith)

- C6A Report: General Obligation Bond Oversight Committee Meeting of May 5, 2003.
- C6B Report: Land Use & Development Committee Meeting of May 12, 2003.
- C6C Report: Special Finance & Citywide Projects Committee Meeting of May 12, 2003.

- C7A Execute Amendment No. 3, Design of West Avenue/Bay Road Neighborhood Improvements.
- C7B Issue Certificate of Consistency, HACOMB 5-Year Plan for FY 2002-06.
- C7C Issue Certificate of Consistency, Develop 42-Unit Housing Facility for Income-Eligible Elderly.
- C7D Issue Certificate of Consistency, Provide Outreach & Case Mgmt Services to the Homeless.
- C7E Proclaim May 18-24, 2003 "Hurricane Awareness Week" in the City of Miami Beach.
- C7F Issue RFP, Procurement & Installation of New Multi-Space (Parking) Pay Stations.

REGULAR AGENDA

- R2A **W-BA 27-02/03, ADA & Public Interior Design Enhancement Renovations for TOPA.**
- R5A **10:30 a.m. 2nd Rdg,** Parking Requirements for Elderly Housing. **5/7**
- R5B **11:15 a.m. 2nd Rdg,** Prohibit Panhandling on Designated Areas in the City. (Steinberg)
- R5C **2:30 p.m. 1st Rdg,** Restriction of Outdoor/Open Air Entertainment in R-PS & C-PS Districts. **5/7**
- R5D **5:01 p.m. 1st Rdg, Open/Cont.,** Comprehensive Plan Amendment - Round #03-2. **5/7**
- R5E **5:01 p.m. 1st Rdg, Open/Cont.,** Zoning Map Change & Land Devlp't Regs. Amendment. **5/7**
- R5F **1st Rdg,** Amendments to Sign Regulations. **5/7**
- R5G **1st Rdg,** Small Dish Antennas. **5/7**
- R5H **1st Rdg,** Timeframes to Obtain a Building Permit. **5/7**
- R5I **1st Rdg,** Single Family Designation and Development Procedures. **5/7**
- R5J **1st Rdg,** Implement Procedures to Provide Local Preference to MB-Based Vendors.
- R5K **11:40 a.m. 1st Rdg,** Valet Parking Permits for Use on Public Property.
- R5L **1st Rdg,** Construction Hours During Daylight Savings Time.
- R6A **Verbal Report:** Community Affairs Committee Meeting of May 20, 2003.
- R7A **Joint,** Approp./Approve C.O., Regional Library/Miami City Ballet Streetscape Construction.
- R7B **10:00 a.m. Open/Cont.,** Approve Amendments to City Center/S. Shore Revitalization Plan.
- R7C **10:40 a.m.** Vacation of Alley Portions at Biscayne Point Island. **5/7**
- R7D **10:45 a.m.** Execute Revocable Permit, Beach Apartments & Bassobi I, Llc.
- R7E **10:59 a.m.** Authorize Electrowave to Continue the Washington Avenue Route Service.
- R7F **11:00 a.m.** Approp. FTA Funds, Purchase Bus - Related Equipment for the Electrowave.
- R7G **Purchase Flood, Risk Property (Windstorm) & Boiler/Machinery Insurance for City Buildings.**
- R7H **Execute Easement Agmt, Emergency Walkway at 210-23rd Street & Chowfuna, Llc.**
- R7I **4:30 p.m.** Create a Special Taxing District for Normandie Sud, 24-Hour Security Guard Service.
- R9A **Board and Committee Appointments.**
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C **Disc.** Several Issues w/ the Sister Cities Committee. (Garcia)
- R9D **Disc.** Delegation to the Convention Center Advisory Board. (Garcia)
- R9E **Disc.** Resolution re: North Beach Youth Center Oversight Committee. (Smith)
- R9E1 **Disc.** Construction & Budget of the North Beach Youth Center. (Smith)
- R9F **2:00 p.m.** Presentation by Concerned Residents Advocating Better Green Space Mgmt. (Gross)
- R9G **Disc.** Proposed Amendments to the Existing Debarment & Lobbying Ordinances. (Smith)
- R9H **Disc.** Status of Altos Del Mar Park. (Smith)
- R9I **4:45 p.m.** Disc. Issues on Espanola Way. (Bower/Gross)
- R9J **4:00 p.m.** Presentation by FDOT re: Proposed Roadway Safety Project for Harding Ave. (Garcia)
- R9K **3:45 p.m.** Presentation from the 71st Street/Normandy Drive (SR 934) Corridor Study by FDOT.
- R9L **Disc.** Provide Updates of Comm. Agendas/After Actions/Mtg. Notices to the Public. (Steinberg)
- R9M **Report on Memorial Day Weekend 2003 (May 23-26, 2003).**
- R9N **Disc.** Status of Negotiations w/ CWA on IZOD Co. Uniform Sponsorship. (Steinberg)
- R9O **3:00 p.m.** Disc. Appointing a Member of Commission as the City's Liaison for FTAA. (Garcia)
- R9P **2:35 p.m.** Disc. Greater Miami & The Beaches Hotel Association Meeting. (Garcia)
- R9Q **Status Report on the LOI Negotiated Between CMB, RDA & RDP Royal Palm Hotel.**
- R9R **Disc.** Oppose any Proposal that would Weaken the County's Noise Ord. Effectiveness.(Steinberg)

REPORTS AND INFORMATIONAL ITEMS

- A **City Attorney's Status Report.**
- B **Parking Status Report.**
- C **Status Report on Fire Station No. 2.**
- D **Status Report on Fire Station No. 4.**
- E **Report on Federal, State, Miami-Dade County & All Existing Contracts for Renewal.**

Prepared by the City Clerk's Office Page No. 2

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F 11:45 a.m. CIP Office Quarterly Status Report Presentation to the F&CWP Comm. on 4/21/03.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A Report of Itemized Revenues/Expenditures of RDA for Month of March 2003.

3A **Joint, Approp./Approve C.O., Regional Library/Miami City Ballet Streetscape Construction.**

Meeting called to order at 9:20:55 a.m.

Pledge of Allegiance led by Chief De Lucca

Inspirational message given by Rabbi Feldman, Temple Emanu-El.

Times based on the digital recording in the City Clerk's Office.

Supplemental Materials: C6C (Replacement Report), C7A (Resolution), R7A (Resolution), R7H (Resolution), RDA 3A (Resolution)

Addendum Items: R2A, R7I, R9R. Item R2A withdrawn.

ACTION: Motion made by Commissioner Steinberg to add items, R7I and R9R as emergency items; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Vice-Mayor Garcia.

PA - Presentations and Awards

PA1 Certificate Of Appreciation To Be Presented To Lee Brian Schrager Of Southern Wine And Spirits, For His Contribution To South Beach Food and Wine Festival.

(Requested By Mayor David Dermer)

(Deferred From April 30, 2003)

ACTION: Item deferred.

10:09:58 a.m.

PA2 Certificates Of Completion Presented To Participants Of The City's Community Emergency Response Team.
(Neighborhood Services)

ACTION: Certificates presented to Rosemary Joseph, Ann Meng, Rosa Rodriguez, Nina Hirsch, Patricia Hirsch, Gabrielle Redfern, and Barbara Hawayek.

10:01:16 a.m.

PA3 Check Presentation Of \$30,000 From The Employees Of The City Of Miami Beach To The American Cancer Society.

(City Manager's Office)

ACTION: Check presented.

Mayor Dermer stated that it was remarkable how the City came together for this event and it was a record.

Jorge Gonzalez, City Manager, stated that Miami Beach raised approximately \$100,000 with the City raising \$30,000. This event did not only raise funds ; it also raised moral and team participation.

Ronnie Singer, Community Information Manager, stated that the City employees deserve the credit. She introduced Danika Kramer, Special Events Manager for the American Cancer Society, who presented a plaque to the City of Miami Beach for the highest grossing first-year team in the State of Florida.

Bruce Singer, President of the Chamber of Commerce, presented Danika Kramer with a framed Romero Britto poster for her work. He stated that the artwork theme for the event was done by Herbert Hofer, a world known artist and he did it because his wife Randi is a survivor. He also presented two copies of the original to the two co-chairpersons of the event Cathy Leifield and Dona Zemo and the original to his wife Ronnie Singer who coordinated the City's activities.

9:48:30 a.m.

PA4 Proclamation To Be Presented To The Miami Beach Public Works Department In Honor Of The "National Public Works Week."

(Public Works)

ACTION: Proclamation presented.

Mayor Dermer stated that the Public Works function is extraordinarily important at this time with all the construction going on in the City. He commended the City Manager and the CIP office for their efforts.

Jorge Gonzalez, City Manager, stated that the purpose of government is to provide public safety and public works. He congratulated and thanked the employees of the Public Works Department for their hard work.

Fred Beckmann, Public Works Director, stated that Public Works Week is a celebration on ~~tens~~ of thousands of men and women in North America who build and maintain the infrastructure and who provide the services collectively known as public works. This week seeks to recognize the unsung heroes of our society. The theme for this year is "The Strength of Public Works" and introduced the poster representing that theme. Public Works employees create the foundation for a stronger and more livable community. On behalf of the public works employees, he thanked the City Commission and the City Manager for their support and the recognition.

10:19:56 a.m.

PA5 Proclamation To Be Presented To The Drug Free Youth In Town (DFYIT), In Recognition Fo r Students Who Choose A Healthy Drug Free Life.

(Requested By Commissioner Richard L. Steinberg)

ACTION: Proclamation presented and accepted by Barbara Zohlman, Executive Director, and Elyn Bushman, Director of Development.

Commissioner Steinberg stated that this group goes into the schools and set up programs to prevent drugs , alcohol and tobacco use at the schools.

Barbara Zohlman, Executive Director, spoke.

Elyn Bushman, Director of Development, spoke.

Commissioner Bower commended them for the job they do.

10:16:54 a.m.

PA6 Proclamation To Be Presented In Honor Of The Miami Beach Chamber Of Commerce Week.
(Requested By Mayor David Dermer)

ACTION: Proclamation presented and accepted by Bruce Singer.

Mayor Dermer recognized Liliam Lopez of the Miami Beach Latin Chamber of Commerce, who was not in attendance and Grace Calvani of the South Florida Hispanic Chamber of Commerce who also was not in attendance.

Michael Milberg from the Miami Beach Chamber of Commerce spoke.

Bruce Singer, President of the Miami Beach Chamber of Commerce stated that there are 21 Chambers of Commerce in Miami-Dade County and next week they will have their annual luncheon.

9:23:10 a.m.

PA7 Proclamation To Be Presented Declaring May 2003 "Excellence In Education" Month.
(Requested By Mayor David Dermer)

ACTION: Proclamation presented and accepted by Bruce Singer.

Mayor Dermer recognized the school principals, Olga Miyar from Biscayne Elementary, Olga Figueras from Feinberg/Fisher Elementary, Arlene Ortenzo from Ruth K. Broad Bay Harbour Elementary, Luther Gray from Treasure Island Elementary, Mathew Walker from Nautilus Middle School and Jean Friedman from Miami Beach Senior High. He also recognized Michael Milberg, Chairman of the Board, Miami Beach Chamber of Commerce, Bruce Singer, President, Miami Beach Chamber of Commerce, Leslie Collier, Committee for Quality Education in Miami Beach, and Karen Regal representative to the Miami -Dade PTA.

Michael Milberg, Chairman of the Miami Beach Chamber of Commerce, spoke.

Mayor Dermer recognized the PTA Presidents from the schools for their hard work; Maria T. Garcia from Biscayne Elementary, Tim Sally from Feinberg/Fisher Elementary, Sharry Lombardi from North Beach Elementary, Emily Stillman from Bay Harbor Elementary, Sonia Sacheli from South Pointe Elementary, Flora Schultz from Treasure Island Elementary, Karen Turpak from Nautilus Middle School and Kathy Bass and Susan Shane from Miami Beach Senior High.

Bruce Singer thanked Eva Barrero and Marilyn Spiegel Chairs of the Quality of Education Committee from the Miami Beach Chamber of Commerce for their dedication and hard work. He stated that Commissioner Mattie Bower is the third PTA President elected to the City Commission. He thanked the leadership in the community and the PTA Presidents for their volunteer work. He announced that this is "Career Shadowing Day Month" and the Chamber will be giving \$5,000 in scholarships.

9:55:10 a.m.

- PA8 Certificates Of Appreciation To Be Presented To Kate Rosenberg And Oren Maisner, For Their Hard Work And Efforts In The "Songs Not Bombs" Musical Event To Benefit Victims Of Terrorism In Israel.
(Requested By Commissioner Richard L. Steinberg)

ACTION: Certificates presented.

Darren Diner spoke on behalf of the Miami Beach Jewish Community Center, Inc., (JCC).

Oren Maisner spoke.

10:13:39 a.m.

- PA9 Certificate Of Appreciation To Be Presented To Robert Pozo And Frankie Ruiz Of PR Racing, For Their Efforts In Bringing The First Annual Miami Tropical Marathon.
(Requested By Mayor David Dermer)

ACTION: Certificate presented to Robert Pozo.

Mayor Dermer stated that this was a very successful first time event with 5,000 attendants, and commended Maggie Fernandez from the Special Events Office for coordinating this event.

9:37:24 a.m.**New item:**

- PA10 Certificate Of Appreciation To Be Presented To Coach Paul Becstehazey, Beach High's Boys' Water Polo Team, 2003 State Champs.

ACTION: Certificate presented.

Dr. Jean Friedman, Miami Beach Senior High School Principal, stated that this year Miami Beach High had five honorable mentions at the Silver Knights Award ceremony held yesterday. Beach High was the highest represented school in Miami-Dade County at this ceremony.

Coach Paul Becstehazey introduced the Miami Beach Senior High 2003 State Champion polo team.

Commissioners Steinberg and Smith complimented Coach Paul, a former Olympian, and his team for their accomplishments.

Commissioner Gross announced that the boys, 9 and 10 year olds, baseball team would be competing in the State tournament in Orlando. He stated that they were the Miami-Dade County champions.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Vice-Mayor Garcia.

Vice-Mayor Garcia attended the funeral of Mr. Salomon Gutman on behalf of the City Commission.

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Julia Tuttle Lighting Project.

(Requested By Commissioner Jose Smith)

ACTION: Item referred. Patricia Walker to place on the agenda. Fred Beckmann to handle.

- C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding Community Benefit Fund Revisions For The Jackie Gleason Theater Of The Performing Arts.

(Convention Center)

ACTION: Item referred. Patricia Walker to place on the agenda. Doug Tober to handle.

- C4C Referral To The Neighborhoods Committee - Discussion Regarding Biscayne Point Canal Cleanup.

(Requested By Commissioner Jose Smith)

ACTION: Item referred. Vivian Guzman to place on the agenda. Fred Beckmann to handle.

C6 - Commission Committee Reports

- C6A Report Of The General Obligation Bond Oversight Committee Meeting Of May 5, 2003: **1)** Change Order Report; **2)** Project Status Report: a) Update On Fire Station #2; b) Update On Fire Station #4; c) Report On Unfunded/Under-Funded Projects; **3)** Informational Items: a) Updated Calendar Of Scheduled Community Design Workshops; b) Report On CDW #2 For South Pointe Streetscape Project Phase II; c) North Shore Park And Youth Center Furniture, Fixtures And Equipment; d) Scott Rakow Youth Center Appropriation From Mid Beach Quality Of Life; e) Normandy Isle Pool Reallocation From Shane Watersports Center.

ACTION: Written report submitted.

Item 1.

The Administration informed the Committee of change orders that had been approved since the last meeting.

Item 2.

a) The Administration informed the Committee that the City Commission approved an Amendment and awarded the Water Tanks and Pumps Station portion of the Fire Station No. 2 project to Jasco Construction, Inc., in the amount of \$4,840,933. The City anticipated issuing a Second Notice to Proceed in early May and begin construction on May 15, 2003. Only the completion of the permitting process and the finalization of the documents for the temporary parking area are pending.

b) The Administration informed the Committee that the City Commission voted to reconfirm their previous decision authorizing the Administration to relocate the historic facility on the Fire Station No. 4 site in order to make room for the new Fire Station. Construction documents for the historic building portion of the project, Bid Package 1, consisting of the relocation of the historic facility, have been submitted to the Planning and Building Department for permit approval and are currently in progress. To supplant time delays registered during the permit review process, and in an effort to keep the project on schedule, the CIP office has re-

evaluated the procurement method process previously chosen for Bid Package 1 to determine whether it would be more effective to handle the first phase of the project under the Job Order Contracting (JOC) program, which was put in place earlier this year to streamline the procurement process for small and medium sized projects. It was estimated that approximately two (2) to three (3) months would be saved by using the JOC system as opposed to a traditional bid system. A Notice to Proceed with the construction of Bid Package 1 is anticipated for June or July of 2003.

c) The Administration presented the Committee a report of the unfunded/under-funded GO Bond-funded projects.

Item 3.

a) Informational items reviewed by the Committee included the calendar of Community meetings.

b) The Administration reported to the Committee that a CDW #2 for South Pointed Streetscape Project Phase II was held on May 1, 2003 with City Staff, Program Managers, and the project Consulting Team Wolfberg-Alvarez. Approximately a dozen neighborhood residents attended. The Administration advised the community that based upon input received at the first CDW, the Administration adjusted the funding to include an additional \$1 million dollars for requested lighting and stormwater improvements. The Residents were pleased that the City had responded to their lighting and stormwater concerns, and were anxious to move forward with the proposed improvements.

c) The Administration reported to the Committee that the North Shore Park and Youth Center Furniture, Fixtures and Equipment (FF&E) were not included in the construction project. The North Beach Youth Center Oversight Committee as pledged to raise \$300,000 to fund the FF&E for the Youth Center. The Administration will work with Parks and Recreation Department to identify any funding needs above and beyond the funds raised by the North Beach Youth Center Oversight Committee that may be needed to fully equip the North Youth Center to make it functional.

d) The Administration informed the Committee that a resolution appropriating funding in the amount of \$200,000 includes a contingency of approximately \$100,000 in case any additional unforeseen conditions occur during the renovation of the existing building in Phase II, and is anticipated to fund Phase I through completion.

e) The Administration reported that the City Commission has approved a resolution authorizing the appropriation of \$150,000 of unallocated 1999 General Obligation Bond Parks Funds previously allocated for Shane Watersports Center to supplement the Normandy Isle Pool Project Construction Fund.

C6B Report Of The Land Use And Development Committee Meeting Of May 12, 2003: **1)** Discussion Regarding A Small Section In Miami Beach That Seems To Be Out Of Scale With The Rest Of The City; **2)** Discussion Regarding Procedures For Assuring The Renovation/Restoration Of Historic Structures; **3)** Proposed Ordinance Regarding Non-Conforming Structures; And **4)** Proposed Ordinance Regarding Fences In Historic Districts.

ACTION: Written report submitted.

Item 1.

Motion to recommend to full Commission that this item not proceed any further. (Gross/Bower) Vote 3-0 (note: this item was heard last).

Item 2.

Discussion held. The guidelines to the H. P. Board will be amended to reflect current policy.

Item 3.

Motion to recommend approval to the full commission. (Bower/Garcia) Vote 2-0. **Jorge Gomez to handle.**

Item 4.

Motion to refer the item to Planning Board. (Bower/Garcia) Vote 2-0. **Jorge Gomez to handle.**

SUPPLEMENTAL MATERIALS (Replacement Report)

C6C Report Of The Special Finance And Citywide Projects Committee Meeting Of May 12, 2003: **1)** Discussion Regarding City Fees for FY 2003/04.

ACTION: Written report submitted. Item separated for discussion by Vice-Mayor Garcia. Because of the length of the meeting and the late hour, the item was not reached. Lilia Cardillo to place on the June 11 agenda. **Patricia Walker to handle.**

Jorge Gonzalez, City Manager, stated that Vice-Mayor Garcia is attending a funeral and that he believes Vice-Mayor Garcia wanted this item separated for discussion.

Harold Rosen spoke.

Jorge Gonzalez, City Manager, assured Mr. Rosen that this item is a report and each of the items will be brought back to a future Commission Meeting for approval.

C7 - Resolutions**SUPPLEMENTAL MATERIALS (Resolution)**

- C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Agreement Between The City Of Miami Beach And Glatting Jackson Kercher Anglin Lopez Rinehart For The Design Of West Avenue/Bay Road Neighborhood Improvements Increasing The Not To Exceed Fee By An Amount Of \$64,480 To Provide For Construction Administration Services For Bay Road Stormwater Improvements Necessary To Support Related Streetscape Improvements And Further Authorizing The Appropriation Of Said Amount From The Series 2000 Stormwater Revenue Bond Fund.
(Capital Improvement Projects)

ACTION: Resolution No. 2003-25206 adopted. Patricia Walker to appropriate the funds. TmHemstreet to handle.

- C7B A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACOMB) For Their Five Year Plan For Fiscal Years 2002-2006 And Their Annual Plan For Fiscal Year 2003, To Be Submitted By HACOMB To The U.S. Department Of Housing And Urban Development (U.S. HUD).
(Neighborhood Services)

ACTION: Item deferred at the request of the Housing Authority. Lilia Cardillo to place on the June 11 agenda. Vivian Guzman to handle.

- C7C A Resolution Approving And Authorizing The City Manager To Issue A Certificate Of Consistency With The City's Consolidated Plan To Volunteers Of America National Services To Be Submitted As Part Of Their Application To The U.S. Department Of Housing And Urban Development For Funds From The Section 202 Program To Develop A 42-Unit Housing Facility For Income-Eligible Elderly To Be Located At 1231-1251 17th Street, Miami Beach.
(Neighborhood Services)

ACTION: Resolution No. 2003-25207 adopted. Vivian Guzman to handle.

- C7D A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The City's Neighborhood Services Department Office Of Homeless Coordination To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development To Provide Outreach And Case Management Services To Homeless Individuals In Miami Beach.
(Neighborhood Services)

ACTION: Resolution No. 2003-25208 adopted. Vivian Guzman to handle.

- C7E A Resolution To Joining With Communities Across The United States In Proclaiming May 18-24, 2003 As "Hurricane Awareness Week" In The City Of Miami Beach.
(Neighborhood Services)

ACTION: Resolution No. 2003-25209 adopted. Vivian Guzman to handle.

- C7F A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) For The Procurement And Installation Of New Multi-Space (Parking) Pay Stations.
(Parking Department)

ACTION: Resolution No. 2003-25210 adopted. Gus Lopez to issue the RFP. Saul Frances to handle.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Report

10:24:52 a.m.

ADDENDUM ITEM

- R2A Request For Approval To Rescind The Contract Award To Romano Brothers Construction, Inc., And Reject All Bids Received Pursuant To Bid No. 27-02/03 For The ADA And Public Interior Design Enhancement Renovations For The Miami Beach Jackie Gleason Theater Of The Performing Arts.
(Procurement)

ACTION: Withdrawn by the Administration. Lilia Cardillo to place on the June 11 Agenda. Gus Lopez to handle.

Commissioner Smith asked if the work stops because this item is being withdrawn.

Jorge Gonzalez, City Manager, stated that the work has not officially begun. The Administration will be recommending a rejection of all bids; separating the items by doing the ADA bathroom renovations separate from the interior work because of the time constraints to meet the season opening. The Administration is preparing to handle the bathrooms renovations via the Job Order Contracting process.

Commissioner Smith asked about the bid bond issue and asked if the Administration will be pursuing actions against bidders who bid on a job without a bid bond, and then walk away from the job after it has been awarded.

Jorge Gonzalez, City Manager, stated that the Administration will be pursuing all legal avenues.

Commissioner Smith stated that if the City was damaged, the debarment ordinance procedures are in place to handle these types of situations. **Gus Lopez to handle.**

Handout or Reference Materials

1. Letter from Bradford A. Thomas, for the Firm, to Jorge M. Gonzalez, City Manager, Dated May 19, 2003, RE: Second bid protest of Regosa Engineering, Inc. Concerning Bid No. 27-02/03 - ADA & public interior design enhancement renovations for the Miami Beach Jackie Gleason Theater of the Performing Arts.

R5 - Ordinances**1:30:29 p.m.**

- R5A Parking Requirements For Elderly Housing
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Section 130-32 "Off-Street Parking Requirements For Parking District No. 1," And Section 130-33 "Off-Street Parking Requirements For Parking Districts Nos. 2, 3, And 4, By Adding Parking Requirements For Housing For Low And/Or Moderate Income Elderly; Providing For Repealer; Codification; Severability And An Effective Date. **10:30 a.m. Second Reading, Public Hearing.**
(Planning Department)
(First Reading On April 30, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3410 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia; Ballot vote: 7-0. Jorge Gomez to handle. R. Parcher to transmit to Municipal Code Corporation.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

11:57:45 a.m.

- R5B An Ordinance Creating Article III Entitled "Panhandling In Public Property" Of Chapter 74 Entitled "Peddlers And Solicitors," By Defining Panhandling And Solicitation; By Prohibiting Panhandling And Solicitation On Designated Areas Within The City, Providing For Penalties For Violations, Providing For Repealer, Severability And Effective Date. **11:15 a.m. Second Reading, Public Hearing.**
(Requested By Commissioner Richard L. Steinberg)
(First Reading On April 30, 2003)

ACTION: Public Hearing held. **Ordinance Number 2003-3411 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Garcia; Ballot vote: 6-1; Opposed: Commissioner Smith. R. Parcher to transmit to Municipal Code Corporation. Chief De Lucca to handle.

Jorge Gonzalez, City Manager, introduced the item.

Vivian Guzman, Neighborhood Services Director, spoke on progress being made by the City's homeless initiative and the programs available.

Commissioner Smith spoke.

Vice-Mayor Garcia spoke.

Robert Middaugh, Assistant City Manager, spoke.

Pastor Pedro Martinez, President of HOPE (Homeless Overcoming Poverty Effectively) in Miami Beach, spoke.

Graziano Sbroggio spoke.

Marlo Courtney, representing Goldman Properties and the Ocean Drive Association, spoke.

Olga Golik, Vice President of the Miami Coalition for the Homeless, spoke.

Benjamin Waxman, Esq., a volunteer with the American Civil Liberties Union, spoke.

Police Chief Don De Lucca spoke.

Frank Del Vecchio spoke.

David Kelsey, South Beach Hotel & Restaurant Association, spoke.

Mitchell Wentworth, Lincoln Road Marketing, spoke.

Arthur Rosenberg, Attorney for Florida Legal Services, and also on the Board of the Miami Coalition for the Homeless, and the Florida Coalition for the Homeless, spoke.

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Handout or Reference Materials:

1. Notice of Ad in Miami Herald

4:44:24 p.m.

R5C Restriction Of Outdoor And Open Air Entertainment In R-PS And C-PS Districts.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," Sec. 142-693, "Permitted Uses," By Modifying The Regulations For Neighborhood Impact Establishments In The R-PS4 Zoning District And Restricting Outdoor Entertainment Establishments And Open Air Entertainment Establishments In The R-PS4 Residential High Density Performance Standards, And C-PS 1, 2, 3 And 4, Commercial Performance Standards Zoning Districts; Providing For Repealer, Codification, Severability, And An Effective Date. **2:30 p.m. First Reading, Public Hearing.**

(Planning Department)

ACTION: Public Hearing held. **Ordinance approved on First Reading as amended.** Motion made by Commissioner Gross to approve the ordinance as recommended by the Planning Board; seconded by Commissioner Bower; Ballot vote: 6-1: Opposed: Commissioner Steinberg. Second Reading and Public Hearing scheduled for June 11, 2003 at 5:01 p.m. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Jorge Gomez, Planning Director, gave an overview of the ordinance.

Soledad Awad spoke.

Frank Del Vecchio spoke.

Kent Harrison Robbins, Esq. representing 301 Ocean Drive, spoke.

Ruth Remington spoke.

Enrique Bargioni spoke.

Miriam Del Vecchio read letters from Debra Reece and Jeanne Mockridge.

Joe Del Vecchio read a letter from Josh Fisher.

Michael Kreitzer spoke.

Christina LaBuzetta spoke.

Claire McCord spoke.

Morris Sunshine spoke.

Erika Brigham spoke.

Gary Knight spoke.

Clotilde Luce spoke.

Eugene Woodard spoke.

Beatrice Krietz spoke.

Frank Dossa spoke.

Steve Polisar spoke.

Jeff Bercow spoke.

David Kelsey spoke.

Jorge Gomez, Planning Director, stated for the record that whatever the current license holder has approval for now will be considered legal conforming if this ordinance is adopted.

David Haber, representing Portofino Tower Condominium Association, spoke.

Carter McDowell, Esq., spoke.

Jaime Rubinson spoke.

Commissioner Steinberg read a letter from the Chamber of Commerce.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Letter from Valentine Eriksen, dated May 21, 2003, to Miami Beach City Commission, RE: Public Comment for City Commission
3. Correspondence from Savesobe.com
4. Letters to the Mayor and Commissioners from Debra Reece, Roberto Awad, Stuart Browning, Maureen Langer, Josh Fisher, Henry Blinder, Paulo Souza, Jim Manning, Rodger Wasserman, Joellin Comerford, and Jeanne Mockridge
5. Letter to the Mayor and City Commission from Alan Randolph, Chairman-Elect, Miami Beach Chamber, dated May 21, 2003.
6. Letter to the Mayor and City Commissioners, from Jeanne Mockridge, undated.
7. Letter to Mayor Dermer and Commissioners from Josh Fisher dated May 20, 2003
8. Booklet titled "Ordinance relating to R-PS4 District," dated May 21, 2003, submitted by Bercow & Radell, P.A.
9. Speakers Lists
10. Large stack of email sent from individuals to an email account titled "writeto the city@savesobe.com"

9:21:42 p.m.**R5D Comprehensive Plan Amendment - Round #03-2**

An Ordinance 1) Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway, From The Current Land Use Category I-1, Light Industrial With A Floor Area Ratio (FAR) Of 1.0, To The Proposed Future Land Use Category Of "RM-PRD," Multifamily, Planned Residential Development With A Floor Area Ratio (FAR) Of 1.0; And 2) Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, By Amending Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element; By Amending Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element; Amending Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element, In Order To Allow The Requested Future Land Use Category For The Subject Property; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies. **5:01 p.m. First Reading, Public Hearing.**

(Planning Department)

(Continued From February 5, 2003)

ACTION: Motion made by Commissioner Steinberg to Open and Continue the first reading Public Hearing to September 10, 2003 at 5:01 p.m.; seconded by Commissioner Bower; Voice vote: 7-0. Lilia Cardillo to place on the September 10 Commission Agenda. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Letter from James F. Silvers, Trustee, to George Gonzalez, City Manager, dated May 8, 2003, RE: Marina Point Project Terminal Island - requesting a continuance of the public hearing to September 2003.

9:21:45 p.m.

R5E Zoning Map Change And Land Development Regulations Amendment
An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway From The Current I-1 Light Industrial, To The Proposed Zoning Classification RM-PRD3, Multifamily Planned Residential Development, With A Floor Area Ratio (FAR) Of 1.0; Amending Chapter 142 Zoning Districts And Regulations," Amending Subdivision III. "RM-PRD Multifamily, Planned Residential Development District" By Adding Subdivision IIIB. "Development Regulations For RM-PRD3;" Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 p.m. First Reading, Public Hearing.**

(Planning Department)

(Continued From February 5, 2003)

ACTION: Motion made by Commissioner Steinberg to Open and Continue the first reading Public Hearing to September 10, 2003 at 5:01 p.m.; seconded by Commissioner Bower; Voice vote: 7-0. Lilia Cardillo to place on the September 10 Commission Agenda. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

9:24:27 p.m.

R5F Amendments To Sign Regulations
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 138, "Signs," Section 138-6, "Signs Located On The Underside Of Awnings Or Canopies," By Adding Standards For Signs On The Valance Of Awnings Or Canopies; Amending Sec. 138-7, "Window Signs," By Clarifying The Language In The Existing Regulations For "Open/Close" Type Of Signs; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading.**

(Planning Department)

(Deferred From April 30, 2003)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Mayor Dermer. Second Reading and Public Hearing scheduled for June 11, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Commissioner Gross requested example and pictures for the next meeting.

9:29:37 p.m.

R5G Small Dish Antennas

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article VI, "Design Review Procedures" By Amending Section 118-252 To Include Placement Preferences For The Installation Of Television Antennas Outside Historic Districts; And By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," By Amending Section 118-503 To Include Requirements For The Installation Of Television Antennas Inside Historic Districts; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading**

(Planning Department)
(Continued From April 30, 2003)

ACTION: Item deferred. Item to be placed on a future agenda. Jorge Gomez to handle.

Jorge Gomez, Planning Director, introduced the item.

Jorge Gonzalez, City Manager, stated that if the City Commission wants to regulate this issue in the Historic District, then the Administration needs to do some community outreach.

10:22:11 p.m.

R5H Timeframes To Obtain A Building Permit

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Amending Section 118-193 To Amend The Required Time Frame To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; By Amending Article VI, "Design Review Procedures," By Amending Section 118-258 To Amend The Required Timeframe To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; By Amending Article VIII, "Procedure For Variances And Administrative Appeals," By Amending Section 118-355 To Amend The Required Timeframe To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; By Amending Article X, "Historic Preservation", By Amending Section 118-532 To Amend The Required Timeframe To Obtain A Building Permit And The Procedures For Obtaining An Extension Of Time; Providing For Repealer, Codification, Severability And An Effective Date.

First Reading.

(Planning Department)
(Deferred From April 30, 2003)

ACTION: The Administration's version of the ordinance approved on First Reading. Motion made by Commissioner Bower to approve the Administration's recommendation; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for June 11, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Commissioner Smith expressed a concern in reference to the tolling provision that the applicant can toll the time indefinitely as was the case of the Carillon Hotel project. It went on for five, six, seven years. He requested language that will ensure that this will not happen again.

Jorge Gomez, Planning Director, stated that this was taken care of in a prior ordinance.

9:15:34 p.m.

R5I Single Family Designation And Development Procedures
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," By Amending Section 118-591 To Establish Requirements And Procedures Specific To The Individual Designation Of Single Family Homes, By Amending Section 118-593 To Clarify The Development Procedures For Properties Located In The Altos -Del-Mar Historic District; Providing For Repealer, Codification, Severability And An Effective Date.

First Reading

(Planning Department)
(Deferred From April 30, 2003)

ACTION: Ordinance approved on First Reading; see referral below. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for June 11, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Commissioner Gross stated that something needs to be done about the Single Family Residential Review Board because this board has no power and the owners can demolish the home. No one is taking this board seriously and the members do not want to sit on the board because they have no power. He stated that he believes that this requires Federal action because the home which are undergoing substantial renovations and it's more than 50%, are required to meet the Federal flood elevation criteria. What is necessary is an amendment to the Federal criteria. He suggested that the City's Federal lobbyist in Washington seek an amendment to Federal rule so that the City can get a waiver for the historic contributing home s. He requested the Legal Department to prepare language seeking a federal rule change and have it refer to the Land Use and Development Committee.

Motion made by Commissioner Gross to refer the item to the Land Use and Development Committee; seconded by Commissioner Cruz; Voice vote: 7-0. Jorge Gomez to place on the Agenda. Legal Department to handle.

10:36:59 p.m.

R5J An Ordinance Implementing Procedures To Provide Local Preference To Miami Beach-Based Vendors In The Award Of Contracts For Goods And General Services, By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled, "Administration," By Amending Article VI Thereof Entitled, "Procurement," By Amending Division 3 Entitled, "Contract Procedures," By Creating Section 2-372; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**

(Procurement)
(Deferred From April 30, 2003)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Commissioner Gross. Second Reading and Public Hearing scheduled for June 11, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Gus Lopez to handle.

Jorge Gonzalez, City Manager, stated that the Administration will submit a report at the end of a year to see how this is working. Gus Lopez to handle.

3:10:36 p.m.

R5K An Ordinance Amending Miami Beach City Code Chapter 18, Entitled "Businesses," By Amending Article VIII, Entitled "Parking Lot," By Amending Division 2, Entitled, "Valet Parking Permits For Use On Public Property"; By Amending Section 18-336 Thereof By Providing For Required "Vote" (Valet Operator Training Enforcement) Training Program; By Amending Division 3, Entitled, "Rentals"; By Amending Section 18-341 Thereof By Providing Additional Code Of Conduct Requirements For Valet Operators And Their Employees; By Amending Section 18-342 By Providing Expanded Ramping Areas Under Certain Circumstances; By Amending Section 18-343 By Providing That Valet Permits For Special Events Shall Be Applied For From The City's Tourism And Cultural Development Director; By Amending Section 18-344 By Amending The Fines And Enforcement Procedures For Violators; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Parking Department)
(Deferred From April 30, 2003)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg to approve the ordinance and amend the third offense to double the fine of the second offense, instead of a referral to the Special Master on the third violation; seconded by Commissioner Gross; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for July 2, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Saul Frances to handle.

Chuck Adams, Assistant Director of the Parking Department, introduced the ordinance.

10:53:05 p.m.

R5L An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," By Amending Article IV Thereof Entitled "Noise," By Amending Section 46-156 Thereof Entitled "Temporary Permits," By Providing For Construction Hours From 7:30 A.M. To 7:30 P.M. During Daylight Savings Time In Areas Zoned As CCC, GU, I-1, MR, CPS-1, CPS-2, CPS-3, CPS-4, RO, WD-1, WD-2, GC, HD, MXE, CD-1, CD-2, And CD-3; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(City Manager's Office)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Smith. Second Reading and Public Hearing scheduled for June 11, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Al Childress to handle.

Jorge Gonzalez, City Manager, stated that a couple of projects have requested this extended extension. Since it looks like this ordinance will be receiving support, the Administration will allow the projects to proceed before the ordinance is approved on second reading.

R6 - Commission Committee Reports

R6A Verbal Report Of The Community Affairs Committee Meeting Of May 20, 2003: **1)** Discussion Regarding A Memorial In Honor Of The Late Maurice Gibb.

ACTION: Not reached. Lilia Cardillo to place on the June 11 agenda. Mayra Diaz Buttacavoli to handle.

R7 - Resolutions**10:35:53 a.m.****SUPPLEMENTAL MATERIALS (Resolution)**

R7A A Resolution Approving A Change Order To The Tower Group, The Contractor For The Miami Beach Regional Library, In The Amount Of \$510,000, To Be Funded From The Redevelopment Agency (RDA), Tax Increment 1998 Bonds, Series B, For The Construction Of The City Of Miami Beach Regional Library Streetscape And The Completion Of The Streetscape Around The Miami City Ballet. **Joint City Commission And Redevelopment Agency.**

(Capital Improvement Projects)

ACTION: Heard in conjunction with RDA Item 3A. Resolution No. 2003-25211 adopted. Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Vice-Mayor Garcia. Tim Hemstreet to handle.

10:36:05 a.m.

R7B A Resolution Following A Duly Noticed Public Hearing To Consider Same, Accepting The Recommendations Of The Miami Beach Redevelopment Agency (RDA), As Set Forth In RDA Resolution No. ____, And Approving Certain Amendments To a) The City Center Historic Convention Village Redevelopment And Revitalization Area Plan And b) The South Shore Revitalization Plan, Approved Redevelopment Plans Under The Provisions Of Sections 163.360, Florida Statutes; Said Amendments Providing For The Implementation Of Community Policing Innovations Within The Districts, As Provided For In Sections 163.340, 163.350, 163.356, 163.360, 163.361. **10:00 a.m. Public Hearing.**

(Economic Development)

ACTION: Item opened and continued. Motion made by Commissioner Smith to open and continue to June 11, 2003 at 10:00 a.m.; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Vice-Mayor Garcia. Lilia Cardillo to place on agenda. Christina Cuervo to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

11:35:44 a.m.

R7C Vacation Of Alley Portions At Biscayne Point Island.

1. A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of The East-West Alley In Block 12, Of Biscayne Point Island, Miami Beach, Florida, In Favor Of Ana C. Fuentes, Owner Of The Adjacent Property Located At 1315 Cleveland Road; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Ordinance No. 92-2783; Finding Such Waiver To Be In The Best Interest Of The City; Further Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Transaction, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office. **10:40 a.m. Public Hearing**

ACTION: Public Hearing held. Resolution No. 2003-25212 adopted. Motion made by Vice-Mayor Garcia; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Steinberg. Fred Beckmann to handle.

2. A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of The East-West Alley In Block 12, Of Biscayne Point Island, Miami Beach, Florida, In Favor Of Daniel B. Haber And Wife Kimberly, Owners Of The Adjacent Property Located At 1355 Cleveland Road; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Ordinance No. 92-2783, Finding Such Waiver To Be In The Best Interest Of The City; Further Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Transaction, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office.

10:41 a.m. Public Hearing

ACTION: Public Hearing held. **Resolution No. 2003-25213 adopted.** Motion made by Vice-Mayor Garcia; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Steinberg. Fred Beckmann to handle.

3. A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of The East-West Alley In Block 12, Of Biscayne Point Island, Miami Beach, Florida, In Favor Of Frank And Francisco Avila, Owners Of The Adjacent Property Located At 8000 Cecil Street; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Ordinance No. 92-2783, Finding Such Waiver To Be In The Best Interest Of The City; Further Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Transaction, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office.

10:42 a.m. Public Hearing

ACTION: Public Hearing held. **Resolution No. 2003-25214 adopted.** Motion made by Vice-Mayor Garcia; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Steinberg. Fred Beckmann to handle.

4. A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of The East-West Alley In Block 12, Of Biscayne Point Island, Miami Beach, Florida, In Favor Of Ethel A. Stratton, Owner Of The Adjacent Property Located At 8040 Cecil Street; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Ordinance No. 92-2783, Finding Such Waiver To Be In The Best Interest Of The City; Further Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Transaction, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office. **10:43 a.m. Public Hearing**

ACTION: Public Hearing held. **Resolution No. 2003-25215 adopted.** Motion made by Vice-Mayor Garcia; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Steinberg. Fred Beckmann to handle.

5. A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of The East-West Alley In Block 12, Of Biscayne Point Island, Miami Beach, Florida In Favor Of Lillian Jannini, Owner Of The Adjacent Property Located At 1320 North Biscayne Point Road; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements Pursuant To Ordinance No. 92-2783, Finding Such Waiver To Be In The Best Interest Of The City; Further Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Transaction, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office.

10:44 a.m. Public Hearing.9

(Public Works)

ACTION: Public Hearing held. **Resolution No. 2003-25216 adopted.** Motion made by Vice-Mayor Garcia; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Steinberg. Fred Beckmann to handle.

Douglas Stratton, representing the above property owners, spoke.

There was discussion held regarding setting precedence for collecting \$1,000 per property owner for a total of \$5,000, rather than \$5,000 per property as established by Administrative Procedures.

Commissioner Gross stated that there are special circumstances with this request: 1. This property is only part of a pathway. The balance of the pathway has already been deeded by the City to the homeowners; 2. It's not open to the general public; and 3. It doesn't grant access to any waterway or any other community amenity (there is no public benefit). He stated that he is normally against this type of action, but based on this specific situation and these specific facts he can support it.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

2:49:57 p.m.

- R7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Revocable Permit To Beach Apartments And Bassobe I, Llc, For The Construction Of A Picket Fence And Gates On Portion Of The Pennsylvania Avenue And Fifteenth Street Right-Of-Way, Adjacent To Their Cameo Apartments Property, Located At 529 Fifteenth Street. **10:45 a.m. Public Hearing.**

(Public Works)

ACTION: Public Hearing held. Motion made by Commissioner Smith to "deny" the application for a revocable permit; seconded by Commissioner Bower; Voice vote: 4-2; Opposed: Vice-Mayor Garcia and Commissioner Gross; Absent: Commissioner Cruz.

Fred Beckmann introduced the item.

Charles Benson, Architect, spoke on behalf of the Beach Apartments.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald
2. Three (3) digital color picture printouts

3:26:30 p.m.

- R7E A Resolution Authorizing The Electrowave To Continue The Washington Avenue Route Service; Authorizing The Administration To Implement A Change From Electric-Battery To Diesel Technology; And To Further Evaluate And Implement Contracting Options, Route Modification Options, And Enhanced Marketing Strategies That Would Make The Local Transit Circulator More Efficient And Cost Effective.
(Public Works)

ACTION: Resolution No. 2003-25218 adopted with amendments. Motion made by Commissioner Gross to adopt the recommendation of the Administration; seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Commissioner Steinberg. Fred Beckmann to handle.

Item R7E and R7F heard together.

Fred Beckmann introduced the item.

Joel Volinski, Director, NCTR, the City's consultant, gave a PowerPoint Presentation.

Elizabeth Donnelly spoke.

David Haber spoke.

Joan Annie spoke.

Erika Brigham spoke.

David Kelsey spoke.

Marlo Courtney spoke

Tourquil Smith spoke.

Amendment:

Motion made by Commissioner Gross to adopt the recommendation of the Administration to continue the service on Washington Avenue route, authorize the change from electric to diesel; continue to work with Miami-Dade County or other vendors to evaluate the alternatives, keep the headways down, get the big loop, work to adjust the hours to the rider ship, start to implement the marketing plan, and include in the wayfinding signage; Seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Commissioner Steinberg.

Commissioner Steinberg stated he will be voting against the motion because of the concurrency credit and offered an amendment to remove the concurrency credits.

Commissioner Gross stated that he believes the shuttle stands on its own and would not vote for it as a tool for concurrency. Concurrency is a separate issue and suggested the Commission deal with concurrency.

Commissioner Steinberg asked why this item needs to be approved today?

Jorge Gonzalez, City Manager, stated that marketing has not been done because the Administration wasn't quite sure of the future of this program. It appears the sentiment of the Commission seems to be that the program is worth continuing with the recommendations above. This program does a lot of things and one of them is a concurrency credit. Giving up the concurrency credit should be discussed in greater detail. The Administration will continue to work with Miami-Dade County to explore different levels of cooperation or perhaps having them take over the operations and explore the diesel routes.

Handout or Reference Materials

1. Copy of the PowerPoint presentation.
2. Pamphlet title "Electrowave"

3:26:30 p.m.

- R7F A Resolution Following A Duly Noticed Public Hearing On May 21, 2003, Authorizing The Appropriation Of \$400,000 In Federal Transit Administration (FTA) Section 5309 Funds, Earmarked In Fiscal Year 2000-01 For The Purchase Of Bus And Bus-Related Equipment For The Electrowave Shuttle Service; The Required Twenty Percent Local Match Will Be Provided By A Florida Department Of Transportation "Soft" Match, Utilizing State Toll Revenue Credits; And Further Authorizing The Advancement Of \$400,000 In City Funds For The Purchases, For Subsequent Reimbursement By The FTA Funds. **11:00 a.m. Public Hearing**
(Public Works)

ACTION: Public Hearing held. **Resolution No. 2003-25219 Adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

See item R7E for the public speakers.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

1:32:46 p.m.

- R7G A Resolution Approving The Purchase Of Flood Insurance, All Risk Property Insurance (Including Windstorm), And Boiler/Machinery Insurance For City Buildings And Contents, For A Combined Annual Premium Of \$1,778,577 (Net Of Broker Commissions), For A One-Year Period As Proposed By Arthur J. Gallagher & Co., The City's Broker Of Record.
(Risk Management)

ACTION: Resolution No. 2003-25220 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Cliff Leonard to handle.

11:56:37 a.m.**SUPPLEMENTAL MATERIALS (Resolution)**

- R7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Easement Agreement For An Emergency Walkway Easement Granting A Non Exclusive Limited Emergency Walkway Easement In Favor Of Shalom Yefet And Wife Nelly, Owners Of The Property Located At 210 - 23rd Street And Chowfuna, LLC., Restaurant Tenant At Said Property, Over And Unto The Adjacent City's Accessible Grounds At The Regional Library Property Located At 227-22nd Street; Effectuating The Transaction, Subject To Final Review Of Same By The City Attorney's Office.
(Public Works)

ACTION: Resolution No. 2003-25221 adopted. Motion made by Vice-Mayor Garcia; seconded by Commissioner Steinberg; Voice vote: 5-0; Absent: Commissioners Cruz and Smith. Fred Beckmann to handle.

7:22:09 p.m.

ADDENDUM ITEM

R71 A Resolution Approving And Authorizing The Creation Of A Special Taxing District By Miami -Dade County For Normandie Sud, Miami Beach, Florida, For The Purpose Of Providing Twenty -Four Hour Stationary Security Guard Service, Subject To Compliance With Applicable City Of Miami Beach And Miami-Dade County Requirements; Approving Construction Of One Guard House Facility, Emergency And Barrier Gates And Necessary Street Improvements And Modifications; Authorizing And Appropriating An Amount Not To Exceed One Hundred Seventy Six Thousand Dollars (\$176,000) For Said Taxing District Improvements; Requiring Reimbursement For All Expenditures; Providing For Guard House Location And Design Review By City; Requiring An Interlocal Agreement; Rescinding Resolution No. 2003-25198 And Providing For An Effective Date.

(Public Works)

ACTION: Resolution No. 2003-25222 adopted Option "B." Motion made by Vice-Mayor Garcia; seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Mayor Dermer. Fred Beckmann to handle.

Option B: Rescind the resolution [2003-25198] adopted on April 30, 2003 stipulating a 2/3 majority approval in the election ratifying the creation of the special taxing district and approving/authorizing Miami -Dade County to proceed with the creation of the Normandie Sud Special Taxing District. Additionally, the City Commission approved a substitute Resolution approving and authorizing the creation of a special taxing district by Miami-Dade County for Normandie Sud, Miami Beach, Florida, for the purpose of providing 24-hour stationary security guard service, subject to compliance with applicable City Of Miami Beach and Miami-Dade County requirements; approving construction of one guard house facility, emergency and barrier gates and necessary street improvements and modifications; authorizing and appropriating an amount not to exceed one hundred seventy six thousand dollars (\$176,000) for said taxing district improvements; requiring reimbursement for all expenditures; providing for guard house location and Design Review by City; requiring an Interlocal Agreement with Miami-Dade County.

Margueritte Ramos-Herrera spoke.

Luis Plata spoke.

Charles Small, Acting Chief of the Special Taxing District Division, Miami-Dade County Public Works Department, spoke.

Celia Glaser spoke.

Leon Lewis spoke.

Susan Barry spoke.

Patty Hernandez spoke.

Commissioner Steinberg stated that his concern is with the inability of those low -income individuals who cannot pay for this. He stated that he feels better knowing that Miami -Dade County has a program in place to address this issue.

Handout or Reference Materials

1. Petitions signed by individuals who are opposed to the Guard gate.
2. Letters to the Honorable Mayor and Commission, from the Neighbors opposed to the construction of the Normandy Sud Guardgate, dated May 20, 2003.
3. Speakers List
4. List of speakers submitted by Margueritte Ramos-Herrera
5. Handwritten paper submitted by Omes

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.

(City Clerk's Office)

ACTION:

Direct appointments made:

Committee for Quality Education in MB:

Emily Stillman representative of the PTA of Ruth K Broad Elementary 6/30/04

Rachelle Arkin representative of the PTA of South Pointed elementary 6/30/04

Karen Rivo representative of the PTA of Nautilus Middle School 6/30/04

Debarment Committee:

Bruce Reich

Term expires 12/31/04

Appointed by Mayor Dermer

Hispanic Affairs Committee:

Esther Amador

Term expires 12/31/03

Appointed by Commissioner Bower

Marine Authority Board:

Jeffrey Galitz

Term expires 12/31/04

Appointed by Commissioner Smith

Police Citizens Relations Committee:

Brad Krassner

Term expires 12/31/04

Appointed BY Commissioner Gross

Public Safety Advisory Committee:

Carl Linder

Term expires 12/31/03

Appointed by Commissioner Smith

Tony Rodriguez

Term expires 12/31/03

Appointed by Commissioner Garcia

Frank Schwartz

Term expires 12/31/03

Appointed by Commissioner Cruz

Mark Weithorn

Term expires 12/31/03

Appointed by Commissioner Gross

Miami Beach Commission on the Status of Women:

Monica Plazo

Term expires 12/31/03

Appointed by Commissioner Smith

Handout or Reference Materials

1. Complete Board and Committee report.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

1. Elizabeth Donnelly stated that she received a notice of non-renewal of her homeowner's policy. She is terminated as of August 15, 2003. The reason was exposure to the bay. She asked the City Manager if he was aware that homeowner's policies are being cancelled. She also stated that the City Manager has a closed-door policy. It is also impossible to reach the City Manager and she never gets a call back. She also spoke on the equipment being obtained from Motorola, and stated that it will be obsolete in ten years. She also stated that the City is paying \$250,000 to redo the signs.

Handout or Reference Materials

1. Speakers List

Prepared by the City Clerk's Office Page No. 25

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R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Item not reached.

10:30:16 p.m.

R9C Discussion Regarding 1) The Reappointment Of Members To The Sister Cities Committee; 2) Clarification On The "Term Limit" Issues As It Applied To Sister Cities; And 3) An Ordinance Amendment To Change The Official Name Of The Committee From "The Florida Sister Cities" Program To "The Miami Beach Sister Cities" Program.

(Requested By Vice-Mayor Luis R. Garcia, Jr.)
(Deferred From April 30, 2003)

ACTION: Discussion held. Item referred.

Motion made by Commissioner Cruz to refer the issue of "term limit" to the Community Affairs Committee; seconded by Commissioner Smith; Voice vote: 7-0. Mayra Diaz Buttacavoli to place on the agenda.

10:48:58 p.m.

R9D Discussion Regarding The Issue Relating To A Delegation To The Convention Center Advisory Board.

(Requested By Vice-Mayor Luis R. Garcia, Jr.)
(Deferred From April 30, 2003)

ACTION: Discussion held. Item referred by acclamation of the City Commission to the Community Affairs Committee. Mayra Diaz Buttacavoli to place the agenda.

Discussion held.

Joe Fontana spoke.

10:01:56 p.m.

R9E Discussion Regarding A Resolution Amending Resolution No. 2000-23835 Which Created The North Beach Youth Center Oversight Committee As An Ad Hoc Committee Of The Miami Beach City Commission, By Amending The Committee's Duties, Functions, Powers, And Responsibilities, And Extending The Existence Of The Committee Until The North Beach Youth Center Is Operational And Open To The Public.

(Requested By Commissioner Jose Smith)
(Deferred From April 30, 2003)

ACTION: Discussion held. Resolution No. 2003-25224 adopted as amended. Referral to the Community Affairs Committee. Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Voice vote: 7-0. Tim Hemstreet and Kevin Smith to handle.

Amendment:

Now, Therefore, clause #5. "The work of the Committee will be deemed to be concluded 3 months after the North Beach Youth Center is operational and open to the public, at which time the Committee shall automatically dissolve.

Referral: The Committee may solicit funding for such purposes and may recommend appropriate recognition to the Community Affairs Committee for persons or entities making significant donations. Mayra Diaz

Buttacavoli to place on the agenda.

10:06:08 p.m.

R9E1 Discussion Regarding The Construction And Budget Of The North Beach Youth Center.
(Requested By Commissioner Jose Smith)

ACTION: Discussion held.

Commissioner Smith introduced the item.

Jorge Gonzalez, City Manager, gave an overview of the funding.

Joe Fontana, Chairman of the Committee, spoke. He also stated that he was not successful in getting funds from the Quality of Life Funds.

Commissioner Gross requested a report from the Administration as to the costs and funding. Tim Hemstreet and Kevin Smith to handle.

Mike Thompson, Vice-Chair of the Committee, spoke about cameras in the rooms and / or windows in the rooms.

Commissioners Cruz and Gross requested the issues be referred to the Community Affairs Committee for discussion.

Commissioner Smith will visit the building with Robert Middaugh, Assistant City Manager, and Joe Fontana, North Beach Youth Center Oversight Committee Chairperson, to see the building and get a better understanding of what needs to be done. Commissioner Smith will place an item on the next agenda.

6:54:48 p.m.

R9F Presentation By A Group Of Concerned Residents Advocating Better Green Space Management In The City.
(Requested By Commissioner Saul Gross)
(Deferred From April 30, 2003)

ACTION: Presentation given. Item referred with direction. Motion made by Commissioner Smith to refer this discussion to the Neighborhoods Committee; seconded by Commissioner Gross; Voice vote: 7-0. Vivian Guzman to place on the agenda. Kevin Smith to handle.

Gary Hunt gave a PowerPoint presentation.

Cheryl Gold gave an oral presentation.

Commissioner Smith made a motion to refer to the Neighborhoods Committee and added that whatever the City can do to help carry out the mission and goals of the group, the City should do it. He commended Commissioner Gross for bringing this to the Commission.

Commissioner Gross thanked Sheryl, Gary, and Frank for an incredible presentation.

Direction:

Commissioner Gross amended the referral motion by requesting that the Administration come to the committee meeting prepared to discuss some of the recommendations and for the Administration to come with an implementation schedule and plan, with both things that involve budget implications and those item which don't impact the budget. **Kevin Smith to handle.**

Amendment accepted by Commissioner Smith.

Frank Garcia stated that there should be a moratorium on the pruning of trees effective immediately.

City Clerk's cross-reference: qualified arborist

R9G Discussion Regarding Proposed Amendments To The Existing Debarment And Lobbying Ordinances

1. An Ordinance Amending Miami Beach City Code, Chapter 2, Article VI, Division 5, Entitled "Debarment Of Contractors From City Work," By Amending Section 2-404, Entitled "Debarment Of Contractors From City Work," By Creating A New Subsection 2-404(a)(5), Providing For Debarment Of A Contractor, Or Any Affiliates, Who Has Been Debarred By A Public Agency Or Other Governmental Entity (Other Than The City Of Miami Beach) Up To Two Years Prior To The Date On Which The Contractor Submits An Offer For Award Of A City Contract, Or Conducts Business With The City As An Agent, Representative Or Subcontractor Of Another Contractor; Amending Section 2-406, Entitled "Period Of Debarment," By Creating A New Subsection 2-406(b)(5), Providing For Guidelines In The Period Of Debarment For Violations Under Subsection 2-404(a)(5); Providing For Repealer; Severability; Codification; And An Effective Date.
2. An Ordinance Amending Miami Beach City Code, Chapter 2, Article VII, Division 3 Entitled "Lobbyists," Section 2-485.1 Entitled "Penalties," Subsection (a) Thereof, By Providing That Violations Of The Lobbyist Laws Of Miami-Dade County Shall Subject Lobbyists To Penalties; Providing For Repealer; Severability; Codification; And An Effective Date.

(Requested By Commissioner Jose Smith)

ACTION: Item deferred. Lilia Cardillo to place on agenda.

R9H Discussion Regarding The Status Of Altos Del Mar Park.

(Requested By Commissioner Jose Smith)

ACTION: Item deferred. Lilia Cardillo to place on agenda.

8:29:56 p.m.

R9I Discussion Regarding The Issues On Espanola Way.

(Requested By Commissioners Matti Herrera Bower And Saul Gross)

ACTION: Motion made by Commissioner Gross to accept the Administration's recommendation with the amendment from Commissioner Bower (consider residential parking at night); seconded by Commissioner Bower; Voice vote: 7-0. Max Sklar to handle.

Jorge Gonzalez, City Manager, stated that there has been a lot of discussion regarding Espanola Way, the improvements, and how Espanola Way will operate. He stated that in January 2003, he had a meeting at the intersection of Espanola Way and Drexel to try to get consensus to the various issues. Since then there have been several other meetings. One of the meetings was a neighborhoods meeting where much of the consensus reached in January was amended. Since the neighborhoods meeting the Administration has been operating under a set of rules which appear to still have a lack of clarity or consensus. The memorandum in the Commission Agenda tries to frame the issues for discussion. The issues are parking, street closure, fountain, the weekend market, and market negotiations update.

Linda Polansky, President of the Espanola Way Association, spoke.
Scott Needleman spoke.
Mallory Kauderer spoke.
Scott Robins spoke.

Commissioner Bower asked about perhaps using a nightly residential parking program in the area.

Motion made by Commissioner Gross to accept the Administration's recommendation with the amendment from Commissioner Bower (consider residential parking at night); seconded by Commissioner Bower; Vice vote: 7-0

Discussion continued regarding the market issues.

Linda Polansky stated that the markets needs to be discussed because of the way that certain clauses in the contract are written is creating problems. For example, the merchants who pay rent and money to renovate their shops are forced by the City's contract to pay the same amount as the vendors. There are other examples.

Commissioner Gross suggested that the market agreement needs to be worked out with the Administration.

Christina Kinko, Lunar Designs, stated that they would like to hang signs from the awnings to attract business during the day.

Jorge Gonzalez, City Manager, stated that the Administration is negotiating with the successful bidder, The Market Company. Staff and The Market Company have been working through issues. This issue has been raised. He suggested that if this issue is to be discussed perhaps it should be referred to one of the Commission Committees.

The non-market issues relative to the desires of the vendors such as the awnings signs is referred to the Land Use and Development Committee. Jorge Gomez to place on the agenda. **Jorge Gomez to handle.**

At the request of Commissioner Bower, Robert Middaugh, Assistant City Manager, stated that there were a series of four (4) meetings held. All were publicly noticed. Two (2) of the meetings were the Neighborhoods Committee.

- R9J Presentation By The Florida Department Of Transportation (FDOT) Regarding A Proposed Roadway Safety Project For Harding Avenue, From 88th Street To 75th Street.
(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Item deferred. Lilia Cardillo to place on agenda.

9:34:34 p.m.

R9K Presentation On Recommendations From The 71st Street / Normandy Drive (SR 934) Corridor Study By FDOT.
(Planning Department)

ACTION: Kevin Tilbury with Renaissance Planning Group, Orlando, Florida, under contract with Florida Department of Transportation (FDOT) to do Livable Community Quarters Study, gave a PowerPoint presentation.

Mike Thompson stated that he thinks that the traffic coming from Bal Harbor, Bay Harbor, and Surfside will be a discouragement to go over 71 Street and will continue to go to Alton Road. That needs to be addressed. At the corner of Bonita Drive there is a speed limit sign, which is hidden, which indicates the speed is 25 MPH. He has repeatedly requested a speed limit sign be installed around the Normandy Fountain which can be seen.

Barry Klein, President of the North Beach Development Corporation, North Beach wants this taken to the next level.

Commissioner Steinberg requested the Administration to take action regarding Mike Thompson's issue regarding the speed limit.

Jorge Gonzalez, City Manager, stated that the Administration will research and discuss with FDOT. **Fred Beckmann to handle.**

Neil Fritz spoke.

Commissioner Smith stated that it is not just speeding which is a problem but the type of aggressive driving, such as people changing lanes, and there is almost never any traffic enforcement.

Handout or Reference Materials

1. Copy of the PowerPoint presentation.

R9L Discussion Regarding A Resolution Authorizing The City Manager To Take All Necessary Steps To Provide The Public With The Ability To Register For E-Mail Updates With Regard To City Commission Agendas, After Actions, And Meeting Notices, And To Expedite The Development Of The City's Capabilities With Regard To Online Parking Decal Renewals And The Sale Of Parking Cards, In An Effort To Increase Civic Participation And Convenience.

(Requested By Commissioner Richard L. Steinberg)

ACTION: Item deferred. Lilia Cardillo to place on agenda.

8:07:53 p.m.

R9M Report On Memorial Day Weekend 2003 (Thursday, May 23, 2003 - Monday, May 26, 2003).
(City Manager's Office)

ACTION: Written report submitted.

Luther Campbell stated that originally there was not going to be alcohol sold at the event. Since then, they have replaced the younger entertainers from the concert with a more adult oriented entertainers. Since the attendance is expected to be low, they have brought on beer and liquor sponsors for the concerts. He stated that if there is any problem on the first day, they will automatically stop the sale of alcohol on the second day. They will stop selling liquor one hour before the concert ends. He explained that the liquor to be sold will be limited to beer, mixed drinks, and certain cognac.

Mayor Dermer asked the City Manager for his recommendation on the sale of alcohol.

Jorge Gonzalez, City Manager stated that residents including the North Ocean Drive Residents Association have concerns about this event and requested the City to modify the site plan and location. He stated that he truly believes that introducing alcohol is not the best thing to do. His recommendation is to not do it.

Commissioner Steinberg asked Mr. Campbell to explain what he said about stopping the sale of alcohol if there was a problem.

Luther Campbell stated that if there is any type of problem they will stop the sale of liquor that day and they will not sell liquor the next day.

Commissioner Steinberg asked who will make the determination if there is a problem.

Chief De Lucca, Chief of Police, stated that he will be there and that he will make the decision.

Motion made by Commissioner Cruz to allow event promoters to sell alcohol provided that it is restricted to the enclosed area, that the sale of alcohol is generated only by the sponsors, and that if there is a problem the Chief of Police will stop the sale of alcohol immediately and prohibit it for the remainder of the weekend. The City Manager added that no one will exit the area with alcohol, and that the sale of alcohol stops one hour before the end of the concert. Alcohol will be sold from 7:00 p.m. to 10:00 p.m. with the concert ending at 11:00 p.m.; seconded by Vice-Mayor Garcia; Voice vote: 6-1; Opposed: Mayor Dermer.

R9N Discussion Regarding The Status Of The Negotiations Between The Administration And CWA On The IZOD Company Uniform Sponsorship.
(Requested By Commissioner Richard L. Steinberg)

ACTION: Item deferred. Lilia Cardillo to place on agenda.

4:28:18 p.m.

R9O Discussion Regarding The Status Of Appointing A Member Of The Commission As The City's Liaison For The Free Trade Of Americas (FTAA).

(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Discussion held.

Mayor Dermer asked Vice-Mayor Garcia to be the City of Miami Beach Liaison in the FTAA.

J.A. "Tony" Ojeda, Jr., Executive Director, International Trade Consortium (ITC) spoke.

Mayor Dermer stated that the question is, does the City want to make a financial contribution? He also stated that the event will create quite a bit of public protest.

2:48:01 p.m.

R9P Discussion Regarding Greater Miami And The Beaches Hotel Association Meeting.

(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Discussion held.

Motion made by Commissioner Bower to schedule a City Commission Workshop to discuss the above issue; seconded by Vice-Mayor Garcia; Voice vote: 4-0; Absent: Commissioner Cruz, Gross and Steinberg. **Jorge Gomez to handle.**

Workshop to be scheduled in mid-June or early July.

10:37:26 a.m.

R9Q Status Report On The Letter Of Intent (LOI) Negotiated Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP").

(City Manager's Office)

ACTION: Discussion held. Mayor Dermer to meet with Mr. Peebles to give a good faith effort to see if an agreement can be reached and to report back at the next Commission meeting.

Jorge Gonzalez, City Manager, stated that this is a report on the status of the LOI and referenced several letters Mr. Peebles has transmitted to the City. One of the letters was distributed at today's Commission Meeting. He stated that the way he reads the letter, Mr. Peebles is asserting that his claim exceeds the amount of rent owed to the City, therefore, he should not have to pay the City rent until such time as the claims balance out. He is proposing to begin current rent payment as of July 1, 2003. This clearly deviates from the LOI. The Administration is here to receive any guidance the Commission would like to give.

Discussion held.

Mayor Dermer asked if the original LOI was presented to Mr. Peebles again would he accept it.

Discussion continued.

Commissioner Cruz stated that in a recent conversation with Mr. Peebles, he asked him if he would be willing to accept the LOI as presented at the last Commission Meeting. He stated that Mr. Peebles stated, no.

Main motion made by Commissioner Bower to approve the original Letter of Intent (LOI) presented at the 4/30/03 Commission Meeting without any of the changes and transmit it to Mr. Peebles; seconded by Commissioner Gross. Discussion continued.

Commissioner Cruz stated that the Mayor should meet with Mr. Peebles Commissioner Gross agreed that the Mayor should take the original LOI to Mr. Peebles to see if he is willing to sign it.

Commissioner Steinberg stated that he will vote against this because of the tolling agreement. He explained the potential problems with the tolling agreement. Discussion was held.

Joel Minsker, Esq., and the City's outside counsel, stated that the tolling agreement was to toll the statute of limitation during negotiations. If negotiations are started and the LOI is signed, and then negotiations breakdown, that means the tolling agreement gets terminated and if you look at the tolling period, May 8, 2002 to the day the final negotiations are stopped, the City has stayed the statute of limitations. On that day Mr. Peebles is back to May 8, 2002.

Murray Dubbin, City Attorney, stated that the statute of limitations is in effect right now. There are two (2) claims he is aware of that he would want to assert: 1) The environmental claims, and 2) His claim that he was kept from examining the building before he bought it. These would be four year statutes from the date of discovery and he stated that he thinks the statute has run. Discussion continued.

Commissioner Steinberg offered the amendment to change the effective date of the tolling agreement to be the date of the signing of the LOI [as opposed to the May 8, 2002]. **Commissioner Bower did not accept the amendment; amendment seconded by Commissioner Gross.** Discussion continued.

Vote on the amendment: Ballot: 2-5; Opposed: Mayor Dermer, Vice-Mayor Garcia and Commissioners Bower, Cruz and Smith. **Amendment motion failed.**

Jorge Gonzalez, City Manager, advised that a time frame be added to the motion such as the next Commission Meeting. Commissioner Bower agreed.

Murray Dubbin, City Attorney, stated that because of the length of time to the next Commission meeting, the Mayor should transmit the results of his meeting with Mr. Peebles if any actions need to be taken.

Vote on the main motion: Ballot Voice vote: 3-4; Opposed: Mayor Dermer and Commissioners Cruz, Smith and Steinberg. **Motion failed.**

Discussion continued.

Motion made by Commissioner Gross to instruct the Legal Department to collect the rent on the lease; seconded by Commissioner Steinberg. Discussion continued.

Commissioner Cruz stated that Mayor Dermer, along with the City Manager, should meet with Mr. Peebles to establish a dialogue and see if an agreement can be reached.

Mayor Dermer stated that he would meet with Mr. Peebles and give it a good faith effort to see if an agreement can be reached and to report back at the next Commission meeting.

Commissioner Steinberg withdrew his second.

Handout or Reference Materials

Prepared by the City Clerk's Office Page No. 33

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1. Letter from R. Donahue Peebles to Mr. Jorge M. Gonzalez, dated May 21, 2003, RE: Royal Palm Crowne Plaza Resort - Rent Payments
2. Roll call Ballots

ADDENDUM ITEM

- R9R Discussion Regarding A Resolution Expressing The City Commission's Opposition To Any Proposal That Would Weaken The Effectiveness Of The Miami-Dade County Noise Ordinance In The City Of Miami Beach.
(Requested By Commissioner Richard L. Steinberg)

ACTION: Discussion held. Resolution No. 2003-25223 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Smith. R. Parcher to transmit to Mayor Alex Penelas and members of the Board of County Commissioners of Miami-Dade County, and Miami-Dade County Manager Steve Shiver.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- B Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.
(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)

ACTION: Written report submitted.

- F CIP Office Quarterly Status Report Presentation To The Finance And Citywide Projects Committee On April 21, 2003.

(Capital Improvements Projects)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 21, 2003**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL: All members present except Vice-Mayor Garcia and Commissioner Cruz.

10:26:57 a.m.

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of March 2003.

ACTION: Written report submitted.

10:34:07 a.m.

3. NEW BUSINESS

SUPPLEMENTAL MATERIALS (Resolution)

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating Funds, In The Amount Of \$510,000, From The Redevelopment Agency (RDA), Tax Increment 1998 Bonds, Series B, For The Construction Of The City Of Miami Beach Regional Library Streetscape And The Completion Of The Streetscape Around The Miami City Ballet; As A Change Order To The Tower Group Contract For The Construction Of The Regional Library. **Joint City Commission And Redevelopment Agency**

ACTION: Heard in conjunction with Item R7A. Discussion held. Resolution No. 453-2003 adopted. Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 6-0. Absent: Vice-Mayor Garcia. Tim Hemstreet to handle.

Tim Hemstreet, CIP Director, presented the item.

Meeting adjourned at 10:57:59 p.m.

End of RDA Agenda